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42 CFR 431.51
AT-78-90
46 FR 48524
48 FR 23212
1902(a)(23)
of the Act
P.L. 100-93
(sec. 8(f))

4.10 Free Choice of Providers

(a) Except as provided in paragraph (b), the Medicaid agency assures that any individual eligible under the plan may obtain Medicaid services from any institution, agency, pharmacy, person, or organization that is qualified to perform the services, including an organization that provides these services or arranges for their availability on a prepayment basis.

(b) Paragraph (a) does not apply to services furnished to an individual--

(1) Under an exception allowed under 42 CFR 431.54,

(2) Under a waiver approved under 42 CFR 431.55, or

(3) By an individual or entity excluded from participation in accordance with section 1902(p) of the Act.

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